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11 Attorneys for Defendant:

12 ALLIED INTERSTATE, LLC

13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**
15 **SAN DIEGO DIVISION**

16
17 JENNIFER RODRIGUEZ and JOHN
18 TAURO, Individually and on behalf of
all others similarly situated,

19 Plaintiffs,

20 v.

21 ALLIED INTERSTATE, LLC,

22 Defendant.

Case No. 3:13-cv-00388-DMS-JMA

**DEFENDANT'S NOTICE OF
SUPPLEMENTAL FILING**

Date:

Time:

Courtroom: 13A

Judge: Hon. Dana M. Sabraw

PLEASE TAKE NOTICE that Defendant Allied Interstate, LLC (“Allied” or “Defendant”) hereby submits the attached excerpt from the Deposition of Plaintiff Jennifer Rodriguez (Nov. 11, 2013) (“Rodriguez Dep.”) in further support of its Opposition to Plaintiff’s Motion for Class Certification (Dkt. No. 49). *See Rodriguez Dep.* at 10:16-25 (true and correct copy attached hereto as Exhibit A). This testimony was referenced by Allied’s counsel during the April 4, 2014 oral argument on Plaintiff’s Motion for Class Certification (Dkt. No. 71).

Respectfully submitted,

Dated: April 7, 2014

By: s/ Thomas M. Hefferon
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EXHIBIT A

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JENNIFER RODRIGUEZ and
JOHN TAURO, individually
and on behalf of all others
similarly situated,

Plaintiffs,

vs.

No. 3:13-cv-00388-DMS-JMA

ALLIED INTERSTATE, LLC,

Defendant.

-----/

DEPOSITION OF JENNIFER SUSAN RODRIGUEZ

VOLUME 1

DATE: November 11, 2013

TIME: 8:53 a.m.

LOCATION: Gaslamp Plaza Suites
520 E Street
San Diego, California 92101

REPORTED BY: Deborah L. Stough
Registered Professional Reporter
Certified Shorthand Reporter
License Number 8925

Capital Reporting Company
Rodriguez, Jennifer Susan 11-11-2013

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| 10 | <p>1 your address?</p> <p>2 A They're combined in a family plan.</p> <p>3 Q And I'm going to hand you what's already been</p> <p>4 marked Exhibits 4 through 7, I think, and these were the</p> <p>5 records produced today.</p> <p>6 (Exhibits 4 through 7 were marked for</p> <p>7 identification.)</p> <p>8 BY MR. SKINNER:</p> <p>9 Q Have you seen those before?</p> <p>10 A Yes.</p> <p>11 Q And what are they?</p> <p>12 A They're my phone bill.</p> <p>13 Q So those are the phone bill for the family</p> <p>14 plan?</p> <p>15 A Yes.</p> <p>16 Q And I think just so the record's clear, I</p> <p>17 believe it only contains the information pertaining to</p> <p>18 the 8693 number and not the other numbers in the plan?</p> <p>19 A Correct.</p> <p>20 Q How many total numbers are in the family plan?</p> <p>21 A Four.</p> <p>22 Q Who is the subscriber of record in this plan?</p> <p>23 A Luis Rodriguez, which is my husband.</p> <p>24 Q Is your name anywhere in these records?</p> <p>25 A No.</p> | 12 |
| 11 | <p>1 Q What about your mother-in-law's name?</p> <p>2 A No.</p> <p>3 Q And what is your mother-in-law's name?</p> <p>4 A Juana Sanchez.</p> <p>5 Q And what is your father-in-law's name?</p> <p>6 A It's Miguel Sanchez.</p> <p>7 Q And is Mr. Sanchez's name anywhere in these</p> <p>8 records?</p> <p>9 A No.</p> <p>10 Q What is your family plan, how many minutes,</p> <p>11 rollover, that sort of thing?</p> <p>12 A We have 1400 minutes -- it's combined between</p> <p>13 the four -- unlimited texting and data between me and my</p> <p>14 husband's cell phone.</p> <p>15 I think that's it.</p> <p>16 Q And it has rollover for --</p> <p>17 A Yeah, it does have rollover.</p> <p>18 Q You'd agree with me that the details of the</p> <p>19 plan are set forth in the, I assume, account records</p> <p>20 there, right?</p> <p>21 A Yeah. It should be.</p> <p>22 Q To whom do you give your phone number out?</p> <p>23 A My doctor's office, my dentist's office,</p> <p>24 friends, and family. That's really it.</p> <p>25 Q Do you ever give it out to businesses?</p> | 13 |

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| <p style="text-align: right;">86</p> <p>1 30 days to review the transcript, make any changes as 2 needed -- 3 (Discussion held off the record.) 4 MR. BONTRAGER: Okay. We'll strike that. 5 Mrs. Rodriguez will have 14 days to review the 6 transcript and make any changes then as necessary and 7 verify the contents of the transcript. 8 Parties agree that plaintiffs' counsel will 9 maintain the original of the transcript. Plaintiffs' 10 counsel will notify defendant's counsel of any changes 11 made by Mrs. Rodriguez. 12 We'll maintain the original of the transcript 13 for purposes of the litigation including but not limited 14 to trial. 15 In the event that the original transcript is 16 lost, destroyed, stolen, or otherwise unavailable, the 17 parties will stipulate that a certified copy will act as 18 the original for all purposes of litigation including 19 trial. 20 So stipulated? 21 MR. SKINNER: Yes. 22 And then for the record, we'll order a copy, 23 hard copy and electronic with exhibits, please. 24 MR. BONTRAGER: Same for us. 25 ///</p> | <p style="text-align: right;">88</p> <p>1 CERTIFICATION OF DEPOSITION OFFICER 2 3 I, DEBORAH L. STOUGH, RPR, CSR, duly 4 authorized 5 to administer oaths pursuant to Section 2093(b) of the 6 California Code of Civil Procedure, hereby certify that 7 the witness in the foregoing deposition was by me sworn 8 to testify to the truth, the whole truth and nothing but 9 the truth in the within-entitled cause; that said 10 deposition was taken at the time and place therein 11 stated; that the testimony of the said witness was 12 thereafter transcribed by means of computer-aided 13 transcription; that the foregoing is a full, complete 14 and true record of said testimony; and that the witness 15 was given an opportunity to read and correct said 16 deposition and to subscribe the same. 17 I further certify that I am not counsel or 18 attorney for either or any of the parties in the 19 foregoing deposition and caption named, or in any way 20 interested in the outcome of this cause named in said 21 caption. 22 23 24 _____ Deborah L. Stough RPR, CSR No. 8925 25</p> |
| <p style="text-align: right;">87</p> <p>1 (Whereupon, at 10:46 a.m., the deposition of 2 JENNIFER SUSAN RODRIGUEZ, VOLUME 1, was 3 concluded.) 4 * * * * * 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | <p style="text-align: right;">89</p> <p>1 A C K N O W L E D G E M E N T O F D E P O N E N T 2 3 I, JENNIFER SUSAN RODRIGUEZ, do hereby 4 acknowledge I 5 have read and examined the foregoing pages of testimony, 6 and the same is a true, correct and complete 7 transcription of the testimony given by me, and any 8 changes or corrections, if any, appear in the attached 9 errata sheet signed by me. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 _____ DATE JENNIFER SUSAN RODRIGUEZ</p> |

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| <div style="text-align: right; margin-bottom: 10px;">90</div> <div style="margin-bottom: 10px;"> 1 Capital Reporting Company 1821 Jefferson Place NW 2 3rd Floor Washington, D.C. 20036 3 (202)857-DEPO (3376) 4 E R R A T A S H E E T 5 Case Name: JENNIFER RODRIGUEZ, ET AL., vs. ALLIED INTERSTATE, LLC 6 Witness Name: JENNIFER SUSAN RODRIGUEZ, VOLUME I 7 Deposition Date: November 11, 2013 8 Page No. Line No. Change/Reason for Change 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 _____ Signature Date </div> | |
| <div style="text-align: right; margin-bottom: 10px;">91</div> <div> 1 November 20, 2013 2 3 THE LAW OFFICES OF TODD M. FRIEDMAN Attn: NICHOLAS J. BONTRAGER, ESQ. 4 369 South Doheny, Suite 415 Beverly Hills, California 90211 5 IN RE: Jennifer Rodriguez, et al., vs. 6 Allied Interstate, LLC 7 8 Dear Mr. Bontrager: 9 Please be advised that, pursuant to California Code of Civil Procedure Section 2025.520 or Federal Rule 10 of Civil Procedure 30, the original transcript of the above-mentioned deposition taken November 11, 2013 in 11 the above-referenced matter has been completed and is enclosed. 12 13 As was agreed upon by stipulation of the parties, please have the witness read, correct, and sign the transcript within 14 days of your receipt and advise all 14 parties of any changes or corrections thereto. 15 Please do not hesitate to contact us if you have any questions. 16 17 Best Regards, 18 19 Deborah L. Stough RPR, CSR No. 8925 20 21 22 cc: Original Transcript All counsel 23 24 25 </div> | |

CERTIFICATE OF SERVICE

I am a resident of the District of Columbia, over the age of eighteen years, and not a party to this action. My business address is GOODWIN PROCTER LLP, 901 New York Avenue NW, Washington, DC 20001. On April 7, 2014, I served the DEFENDANT'S NOTICE OF SUPPLEMENTAL FILING upon counsel for all parties via the Court's Electronic Case Filing system.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: April 7, 2014

s/ Thomas M. Hefferon